

REMARKS

Claims 8, 11, 14-18 and 21 are pending. Claims 8, 11, 14, and 17 have been amended without prejudice and without acquiescence. Claim 21 has been added. Support for the amendments can be found in the claims as originally filed. For claim 21, support can be found in the specification, for example, see paragraph [0038]. Claims 1-7, 9-10, and 12-13 have been canceled without prejudice and without acquiescence. Applicants retain the right to file a continuation application on any canceled subject matter. Applicants have also amended the specification to clarify the deposition of the organism under the Budapest Treaty. Applicants also assert that a copy of the deposition of the organism can be found in the documents submitted with the 371 Application, for example, pages 17-18 of the International Publication. Applicants assert that no new matter has been added.

The issues outstanding in this application are as follows:

Claims 1-18 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Farmer (US 6461607). Applicants respectfully traverse.

Applicants remind the Examiner that “[u]nder 35 U.S.C. § 102, anticipation requires that...the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public.” *See Akzo N.V. v. United States Int’l Trade Comm’n*, 808 F.2d 1471, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986) (*citing In re Brown*, 329 F.2d 1006, 1011, 141 USPQ 245, 249 (C.C.P.A. 1964).

Applicants assert that Farmer et al. does not enable the pending claims. For example, Farmer et al at column 32, line 20 to column 35, line 32 relates to therapeutic methods for inhibiting parasites in animals. Indeed, the reference to feeding animals a pelletized or granular food (see column 34, lines 27 to 36) is in relation to inhibiting parasites in animals and not to prevention or reduction of gastrointestinal *Campylobacter* infection in animals. There is no mention of feeding animals a composition containing a probiotic in relation to prevention or reduction of gastrointestinal *Campylobacter* infection in animals. Thus, the disclosure in Farmer et al clearly differentiates between therapeutic methods for inhibiting parasites in animals and the therapeutic treatment of *Campylobacter jejuni*-mediated infections (see column 28, line 8, to column 31, line 53).

Yet further, Farmer et al does not discuss a specific *Lactobacillus acidophilus* strain. Claim 17 and 21 relate to *Lactobacillus acidophilus* deposited under accession number NCIMB 41117 (see page 7, line 18 of the International application).

In view of the above, Applicants assert that Farmer et al does not enable the pending claims and respectfully request that the rejection be withdrawn.

CONCLUSION

In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P03101US0 from which the undersigned is authorized to draw.

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Respectfully submitted,

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